

Message Text

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ACTION AF-07

INFO OCT-01 ISO-00 NASA-01 SCI-02 L-01 CIAE-00 INR-05

NSAE-00 RSC-01 NSC-05 DRC-01 /024 W

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R 111515Z OCT 74

FM AMEMBASSY TANANARIVE

TO NASA HEADQUARTERS WASHDC

SECSTATE WASHDC 6624

INFO GODDARD SPACE FLIGHT CENTER CODE 802, GREENBELT MD

C O N F I D E N T I A L TANANARIVE 1579

E.O. 11652: GDS

TAGS: NASA, TSPA, MA

SUBJECT: NASA NEGOTIATIONS

NASA FOR CODE (T)

REF: A. STATE 197551; B. TANANARIVE 1544

1. EMBASSY RECEIVED GOMR REVISED NASA STATION AGREEMENT FROM EDSON RAHALISON SEC GEN MIN TERR DEVELOPMENT LATE A.M. 10 OCTOBER. GOMR DRAFT IS COMPLETE REVISION OF U.S. SUBMISSION OF PROPOSED OVERALL NASA AGREEMENT (REFTEL A) NOT U.S. VERSION PLUS ANNEX AS ANTICIPATED REFTEL B. GOMR PROPOSES THAT NEW AGREEMENT ABROGATE ALL PREVIOUS AGREEMENTS AND GOMR DRAFT THEREFORE ADDS ARTICLES FROM EARLIER AGREEMENTS. IN DOING SO GOMR HAS MADE LANGUAGE CHANGES AND OMITTED ITEMS OF CONCERN TO USG.

2. RAHALISON INDICATED TO DCM THAT WORKING LEVEL NEGOTIATIONS CAN BEGIN WHEN DIRECTOR P&T RETURNS AROUND OCTOBER 20. EMBASSY WILL SUBMIT NASA DIRECTOR'S AND ITS FURTHER COMMENTS IN SEPTEL. MAJOR CHANGES IN TEXT ARE NOTED BELOW. FULL ENGLISH TEXT WILL BE SENT SEPTEL. EMBASSY SUGGESTS FRENCH TEXT CHANGES NOT BE TRANSMITTED UNTIL NEGOTIATIONS HAVE GONE FURTHER BUT WE CAN SEND IF DESIRED.

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3. ART. ONE - ABROGATES PREVIOUS AGREEMENTS AND AMENDMENTS.

4. ART. 2 - NO CHANGE FROM PROPOSED TEXT.

5. ART. 3 (A) SAME AS OCTOBER 7, 1963 AGREEMENT

(B) SAME AS DECEMBER 1967 AGREEMENT EXCEPT THAT
EMERGEHIFY PROVISION DROPPED.

6. ART. 4 - NO CHANGE FROM 1963 AGREEMENT.

7. ART. 5 - (A) NEW LANGUAGE IMPOSES REQUIREMENT TO USE
LOCAL SUBCONTRACTORS WITHOUT QUALIFICATION.

(B) CUSTOMS DUTIES AND TAX EXEMPTIONS ON
STATION EQUIPMENT ELIMINATED.

(C) REQUIREMENT FOR GOMR APPROVAL OF REEXPORT
OF EQUIPMENT REWORDED.

8. ART. 6 - NO CHANGE FROM 1963 AGREEMENT.

9. ART. 7 - (A) ELIMINATES 3 ALTERNATE MEANS OF OPERATING
STATION AND SUBSTITUTES NASA DIRECTOR WHO IS TO CONTROL AND
EXECUTE PROGRAMS AND P&T DIRECTOR WHO IS TO BE RESPONSIBLE
FOR BASIC ADMINISTRATION OF STATION. ALSO, ADDS THAT
CONDITIONS OF OPERATION WILL BE SET FORTH IN "ANNEX."

7 - (B) REFERENCE TO BENDIX PERSONNEL DROPPED PLUS
WORDING ON TRAINING AND NASA JUDGMENT ON QUALIFICATION OF
MALAGASY EMPLOYEES. QUALIFICATION ON MALAGASY EMPLOYEES
BEING READY TO ASSUME STATION OPERATION AND MIDDLE SENTENCE
ALSO DROPPED.

7 - (C) DROPPED ENTIRELY.

10. ART. 8 - (A) ADDS 30-DAY NOTICE REQUIREMENT ON ENTRY
OF PERSONNEL TO 1963 AGREEMENT.

8 - (B) ELIMINATES MENTION OF REMOVAL OF PERSONAL
EFFECTS. ADDS SENTENCE THAT U.S. PERSONNEL EXEMPT FROM
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INTERNAL DUTIES AND TAXES ONLY TO EXTENT REGULATIONS UNDER
ORDINARY LAW APPLY.

11. ART. 9 - NO MAJOR CHANGE FROM 1963 AGREEMENT BUT 9(C)
DOES ELIMINATE NASA DIRECTOR'S CONCURRENCE ON ACCESS TO
STATION.

12. ART. 10 - DROPS ORIGINAL ARTICLE 10 FROM 1963 AGREEMENT.

13. ART. 10 (A) AND (B) (GOMR) ESSENTIALLY ART. 11(A) AND 11(B) FROM 1963 AGREEMENT.

14. EMBASSY COMMENTS:

(A) IT IS NOT CLEAR WHETHER GOMR REALLY INTENDS LEVY CUSTOMS DUTIES AND IMPORT TAXES ON FUTURE NASA IMPORTS OF EQUIPMENT. ALTERNATION OF LAST SENTENCE OF ART. 5 WOULD SEEM INDICATE THAT MAY BE CURRENT GOMR NEGOTIATING POSITION, BUT RETENTION OF LAST SENTENCE OF ART. 6(A), UNLESS IT IS APPLIED ONLY TO PAST IMPORTS, MAY MEAN THERE IS NO REAL INTENTION APPLY SUCH DUTIES OR TAXES UNTIL EQUIPMENT DISPOSED OF WITHIN COUNTRY.

(B) POSSIBILITY OF IMPOSITION OF INTERNAL TAXES ON STATION U.S. PERSONNEL NOT SURPRISING AND WILL BE DIFFICULT TO REMA.

(C) POTENTIAL COSTS OF POSSIBLE IMPOSITION OF CUSTOMS DUTIES AND IMPORT AND DIRECT TAXES ARE BEING CALCULATED BY NASA STATION DIRECTOR.

(D) ADDITION OF 30-DAY NOTICE REQUIREMENT ON ENTRY OF PERSONNEL APPEARS UNWORKABLE.

(E) EMBASSY WOULD APPRECIATE WORDING USED IN AGREEMENTS WITH OTHER COUNTRIES ON QUESTION OF NASA STATION DIRECTOR AND COOPERATING AGENCY'S RESPONSIBILITIES IN OPERATING STATION (AR. 7(A)).

(F) IN GENERAL, EMBASSY BELIEVES NEGOTIATED SOLUTIONS CAN BE FOUND TO MOST PROBLEMS RAISED BY GOMR REVISION.
MENDENHALL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS, TRACKING STATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 11 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: elyme
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974TANANA01579
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740290-0911
From: TANANARIVE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741050/aaaabqzi.tel
Line Count: 146
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A. STATE 197551; B. TANANARIVE 1544
Review Action: RELEASED, APPROVED
Review Authority: elyme
Review Comment: n/a
Review Content Flags:
Review Date: 03 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 SEP 2002 by boyleja>; APPROVED <05 MAR 2003 by elyme>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NASA NEGOTIATIONS NASA FOR CODE (T)
TAGS: TSPA, MA, US, NASA
To: NASA STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005